

### REMARKS

With the foregoing, claims 48-56, 63, 65, and 67-78, including independent claims 48, 56, and 78, have been canceled without prejudice. Two new independent claims 79 and 80 have been added, and the dependency of the remaining claims adjusted accordingly. Therefore, claims 57-62, 64, 66, and 79-80 are pending and at issue. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Independent claims 48, 56, 67, and 78 were rejected as anticipated by Burke et al. (US 6,805,523), and were additionally rejected as anticipated by Di Biase (U.S. Patent No. 5,658,633). It is respectfully submitted that newly-added independent claims 79 and 80 are allowable over these patent for at least the reasons set forth below.

#### Claim 79

Independent claim 79 is generally directed to a bumper system for positioning a vehicle moving in a direction toward a loading dock. In particular, the bumper system includes a first bumper mountable on a first side of a loading dock, and a second bumper mountable on an opposite side of the loading dock. Each bumper includes a mounting surface, a first contact surface, and a second contact surface. The bumpers are laterally spaced to allow a vehicle in a substantially centered lateral position relative the bumpers to contact the first contact surfaces of each of bumper between and without contacting the second contact surfaces. In this way, the vehicle can be serviced by dock equipment at the loading dock. Neither Burke nor Di Biase teaches or discloses a first and second bumper mountable on opposite sides of a loading dock such that a vehicle in a substantially centered lateral position relative the two bumpers contacts the first contact surfaces of each of the bumpers without contacting the second contact surfaces.

In contrast, Burke is directed to an auto rack sidewall panel bumper guard for eliminating contact between the vehicle door and the sidewall panel. Burke fails to teach or suggest a first and second bumper, mountable with a lateral spacing sufficient to allow a vehicle in a substantially centered lateral position relative the first and second bumpers to contact the first contact surfaces of each of the bumpers without contacting the second contact surfaces. The lateral spacing between the second contact surfaces provides an opening, or a path, whereby only vehicles that travel within the opening, or path, can strike the first contact surface(s) and subsequently be within a distance from the loading that allows the vehicle to be serviced by the dock equipment. The lateral spacing of the second contact surfaces also ensures that a vehicle that travels within this spacing (or opening, or path) and contacts the first contact surface(s) is centered relative to the first and second bumper (and therefore the loading dock). Burke, on the other hand, does not disclose two bumpers mounted on opposite sides of a loading dock (Burke does not even relate to loading dock bumpers), and therefore does not contemplate a lateral spacing to ensure that the vehicle stops at a position at which it can be serviced by dock equipment.

Furthermore, Burke does not disclose a bumper with multiple surfaces intended to be contacted by a vehicle. In contrast, Burke contemplates only one contact surface – “contact section 52” (col. 5, lines 43-46). The examiner suggests that Burke discloses a first contact surface 46 and a second contact surface 52, but the purported first contact surface 46 is actually “any suitable fastener . . . used to attach the bumper guard to the sidewall panel” (col. 4, lines 41-43). Burke does not intend for the vehicle door to contact fastener 46, as such contact would likely result in damage to the vehicle door (scratches, dents, dings) - the very damage that Burke is trying to avoid. Thus, even though fastener 46 inherently provides another surface, interpreting it as a second contact surface as claimed here, would destroy the teaching of the reference. Contact section 52 is the only contact surface in the Burke bumper.

Still further, even if one ignores the fact that Burke does not disclose two laterally spaced bumpers, mounted on opposite sides of a loading dock and assumes *arguendo* that fastener 46 corresponds to the first contact surface and contact section 52 corresponds to the second contact surface (because it is spaced further outward than fastener 46), Burke does not teach or suggest that vehicle contact with fastener 46 indicates that the vehicle is within a range of acceptable separation positions, while vehicle contact with contact section 52 indicates that the vehicle is beyond the range of acceptable separation positions. Vehicle contact with fastener 46 (the purported first contact surface) does not indicate that the vehicle is at an acceptable position, nor does vehicle contact with contact section 52 (the purported second contact surface) indicate that the vehicle is at an unacceptable position. Burke's bumper is intended to have "the desired flexibility and resiliency to absorb impact forces from a vehicle door without causing any damage to the door or finish thereof" (col. 4, lines 52-54). The fastener 46 does not have these desired properties because it is a fastener, whereas contact section 52 is specifically designed to have the desired flexibility and resiliency. Stated differently, vehicle/door contact with fastener 46, the purported first contact surface, would likely cause damage to the door or its finish, whereas vehicle/door contact with contact section 52, the purported second contact surface, would absorb the impact forces and protect it from damage. Thus, vehicle contact with Burke's fastener does not indicate that the vehicle is at an acceptable position, nor does vehicle contact with Burke's contact section indicate that the vehicle is not at an acceptable position.

Therefore due to the deficiencies in Burke, it follows that Burke cannot anticipate claim 79 or any claims dependent thereon. In particular, because Burke does not disclose or suggest a first and second bumper, mountable with a lateral spacing sufficient to allow a vehicle in a substantially centered lateral position relative the first and second bumpers to

contact the first contact surfaces of each of the bumpers without contacting the second contact surfaces, Burke cannot anticipate claim 79.

Turning now to Di Biase, Di Biase discloses a conventional loading dock bumper, as described in the Description of Related Art section of the current application. In particular, as detailed in the Description of Related Art section of the current application:

conventional bumpers do not always ensure that the rear of a vehicle is properly positioned relative to the loading dock's doorway, dock leveler, vehicle restraint, dock seal, or dock shelter. For instance, the rear of the truck may stop excessively short of reaching the bumper, or the truck may be offset to either side of the doorway. If the truck stops far short of the bumper, several problems may occur. The vehicle restraint may be unable to reach out far enough to hook the front of the ICC bar, the dock seal or dock shelter may fail to fully engage the rear of the truck, there may be insufficient lip purchase between the rear of the truck bed and an extended dock leveler lip, or the dock leveler lip may miss the rear edge of the truck bed entirely. If the truck is off centered relative to the doorway, the dock seal or dock shelter may leave one side of the truck relatively unsheltered, the truck might crush one side of a dock shelter, or the dock leveler lip may be unable fit inside the truck.

Specification, pages 2-3. Conventional bumpers, like those described in Di Biase, do nothing to address these issues, because Di Biase fails to teach or suggest a bumper having a mounting surface and first and second contact surfaces, (i.e., separate elements from the mounting surface). Moreover, Di Biase fails to teach or suggest two bumpers mounted on opposite sides of a loading dock, and therefore does not contemplate a lateral spacing to stop a vehicle at a position at which it can be serviced by dock equipment.

The examiner suggests that Di Biase discloses a bumper with a first contact surface (fig. 5: 21) and a second contact surface (fig. 5: 30'), the second contact surface protruding further than the first. However, The feature purported to correspond to the claimed first contact surface, back plate 21, is "a mounting plate to mount the loading dock bumper to the loading dock" (col. 5, lines 1-3). Accordingly, as clarified in the current claim, the first and

second contact surfaces are separate elements from the mounting surface, and thus, Di Biase cannot anticipate the current claims.

Furthermore, the claims recite two bumpers - a first bumper and a second bumper - mounted on opposite sides of the loading dock with a specific lateral spacing between the second contact surfaces. The lateral spacing provides an opening, or a path, whereby only vehicles that travel within the opening, or path, can strike the first contact surface(s) and subsequently be within a distance from the loading that allows the vehicle to be serviced by the dock equipment. Di Biase, on the other hand, does not disclose two bumpers mounted on opposite sides of a loading dock, and therefore does not contemplate a lateral spacing to ensure that the vehicle stops at a position at which it can be serviced by dock equipment. Di Biase, like other conventional dock bumpers, is only intended to cushion the impact of a vehicle and prevent the vehicle from striking dock equipment. Di Biase's bumper does nothing more to ensure that the vehicle is properly centered or at an acceptable distance relative to the loading dock.

Therefore due to the deficiencies in Di Biase, it follows that Di Biase cannot anticipate claim 79 or any claims dependent thereon. In particular, because Di Biase does not disclose or suggest a bumper having a mounting surface and two contact surfaces, nor does Di Biase teach or suggest two bumpers mounted on opposite sides of a loading dock, Di Biase cannot anticipate claim 79.

Accordingly, for at least the foregoing reasons, it is respectfully submitted that claim 79 and all claims dependent thereon are in condition for allowance.

#### **Claim 80**

Independent claim 80 is directed to a method of positioning a vehicle in a loading dock. In particular, claim 80 includes mounting a first and second bumper on opposite side of a loading dock, and laterally spacing second contact surfaces such that the vehicle can only

contact the first contact surface at an acceptable separation position. As detailed above, both Burke and Di Biase fail to teach or suggest the mounting of two bumpers on either side of a loading dock, and furthermore, fail to teach or suggest laterally spacing the bumpers such that a vehicle can be stopped at an acceptable separation position.

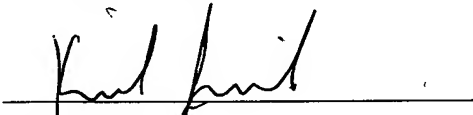
Accordingly, for at least the foregoing reasons, it is respectfully submitted that claim 80 is in condition for allowance.

### Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

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